Mr. J. B. Adams

Legal Counsel

SUBCOMMITTEE ON CIVIL AND
CONSTITUTIONAL RIGHTS
HOUSE COMMITTEE ON THE JUDICIARY

At 12:05 p.m. on 11/13/76, SAC Williams of the Kansas City Office telephonically told me that SA James P. Hosty, Jr. was concerned that he would be called as a witness before captioned committee. He said that SA Hosty told him that he would like to have a conference with officials at Bureau Headquarters to discuss limitations on any testimony he might be asked to give. SA Hosty indicated that he had certain information concerning a "Soviet aspect" of the Kennedy case which had not been discussed with Assistant Director Bassett. SA Hosty did not further describe the information.

SAC Williams also said that SA Hosty expressed an interest in securing personal counsel in the event he is called as a witness.

For information, the Edwards Committee has indicated publicly an interest in conducting hearings on the Kennedy Assassination with particular emphasis on the alleged destruction of a note left at the Dallas Office by Oswald. No date has been set for such hearings and specific requests for witnesses have not been issued.

I discussed this matter with Mr. Adams and he agreed with my proposal that SA Hosty should be instructed to furnish a memorandum detailing the substance of the information he referred to in his discussion with SAC Williams and explaining his concern in regard to his potential appearance as a witness.

At 3:00 p.m. on 11/13/76, I returned the call to SAC Williams and requested him to have SA Hosty submit a memorandum as indicated.

1 - Personnel file SA James P. Hosty, Jr.
1 - Mr. Bassett
1 - Mr. Hotis
1 - Mr. Mintz

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JAM:mld (8)

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Classified by 3002
Exempt from GDS, Category 2,
Declassification Indefinite

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Memorandum to Mr. Adams
Re: Subcommittee on Civil and Constitutional Rights

[redacted]

memorandum should be forwarded by SAC Williams directly to me for review. SAC Williams said that he would do this and that he would keep me advised.

I also told SAC Williams that it was likely the Edwards Committee would call SA Nosty although a schedule for the hearing has not been announced.

RECOMMENDATION:

For information.

INSPECTION DIVISION ADDENDUM H. N. BASSETT:jmh 11/18/75

The purpose of this addendum is to record what has transpired as a result of the foregoing information and to recommend appropriate action.

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SAC Williams furnished the foregoing information during the evening of 11/13/75. A conference concerning its content was held between Messrs. Adams, Mintz and Bassett on the morning of 11/14/75. It was agreed that in view of Hosty's comments, clarification was necessary and accordingly, SAC Williams was telephonically instructed to interview Hosty, place him under oath and to obtain complete details relative to the foregoing allegations. In addition, ASAC, Dallas (in the absence of the SAC), was telephonically contacted for the purpose of determining what Dallas files disclosed relative to the airtel in question.

Hosty, on 11/14/75, furnished a sworn statement to SAC Williams. The original is being sent to FBIHQ; however, a rough copy is attached (see tab #2). In his statement Hosty advised that shortly after they received word of the assassination of President Kennedy on 11/22/63, he attempted to locate the pending file on Oswald. Upon its location and being furnished to Hosty he noticed on top of the file an airtel from WFO to the Bureau which was dated either 11/18 or 19/63, block stamped into the Dallas Office 11/22/63. He said that he did not recall whether the airtel had been serialized but it had been block stamped and apparently Supervisor Howe had seen it since he had written Hosty's name in the block stamp. En route to the SAC's office with the file he read the airtel.

According to Hosty, in the early part of May, 1964, while reviewing the file on Oswald prior to his testimony before the Warren Commission, he was unable to locate this airtel, which he considered to be highly pertinent since it involved his (Hosty's) knowledge of Oswald's contacts with the Soviet authorities. Hosty claims that on 5/4/64, while being questioned by the Warren Commission, Staff Attorney Samuel Stern, in the presence of former Assistant to the Director Belmont, Hosty mentioned to Stern the WFO airtel. According to Hosty, Belmont immediately stated in anger, "I told them not to let you see that airtel."

Hosty claimed that upon return to the Dallas Office following his testimony, he had occasion to look in volume I of the Oswald file and noted both copies of the airtel were then the top serial in volume I. Further, he noted that his name had been crossed out and former ASAC Clark had written his name below Hosty's and initialed it for filing. Hosty concludes that from the afternoon of 11/22/63 until sometime in May, 1964, former ASAC Clark had retained the serial in his possession; however, he felt that this would be proper in view of the fact that the case was reassigned to Clark shortly after the assassination. In furnishing this particular statement Hosty stated that he was not alleging any wrongdoing on anyone's

part but in anticipation of being questioned before any Congressional Committees, it is possible that this incident might arise and was of the opinion it could cause considerable difficulty.

As to why this information had not been previously furnished, particularly when he was asked on several occasions during our prior inquiry concerning the Oswald visit to the Dallas Office as to whether Hosty had any other information that would be pertinent, he claimed that this did not appear to be pertinent to previous inquiries until it became apparent that the House Committee might reopen the entire Oswald case.

ASAC, Dallas, and subsequently the SAC, reviewed pertinent files in that office. It was determined that the airtel in question, i.e., WFO airtel to Director, two copies to Dallas, 11/19/63, is serial 57 in the Oswald file. (Xerox copy of this airtel is attached. See tab #3.) As will be noted, Hosty's name is crossed out in the block stamp but is initialed for filing by an individual using the initial "H." It should be noted that Clark's name appears nowhere on this serial. It is believed highly probable that the "H" in this block stamp belongs to Howe. This is based on the following:

Serial 50 of the Oswald file is a copy of an airtel with two enclosures which New Orleans sent to the Bureau with two copies to Dallas on 10/24/63. (Xerox copies of this serial and the two enclosures, serials 49 and 48, attached. See tab #4.) As will be noted, on serial 50 there appears the following written notation: "48-49-50 c/o to JPH 10/28/63, Obtained from his box and initialed into file to complete file following 11/22/63 H." The interpretation of this written notation is as follows:

These three serials were charged out to Hosty on 10/28/63 and apparently were still in his workbox the date of or shortly after the assassination and initialed into the file by Howe in order to have continuity of an extremely fast-moving case. It will also be noted that Hosty's name is crossed off on all three of these serials and apparently initialed in the file by Supervisor Howe. While no such written notation appears on the above-mentioned serial 57, it is logical to assume that the same action was taken on this serial in order to get all pertinent material into the Oswald file. Dallas, in furnishing this information orally, advised that the "H" appearing in these block stamps is not identical to the "H" which Hosty used when initialing mail for filing.

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Dallas has also advised that the Oswald file has been "stripped" which means that duplicate copies of various serials in the file have been destroyed. This is standard operating procedure in our Chief Clerk's Offices in order to conserve space, and when a file is being stripped and there are duplicate serials available, the action copy is retained in the file. It can only be assumed that the second copy of the airtel in question has been destroyed since it was not located in any other logical file in the Dallas Office, such as the file on Marina Oswald or the assassination file itself. However, under normal operating procedures, when two copies of a communication are received in an office, both copies are block stamped; one is initialed by the supervisor for filing, known as the file copy, and the other copy is routed to the Agent who has the case assigned to him, known as the action copy. We know in this instance that the action copy has been kept since indexing is done from this copy and the one in file shows indexing of a name mentioned in the communication.

While the Chief Clerk in Dallas could not be positive, it is her definite opinion that after the stripping occurred the various volumes were consolidated in order to save space. It has been determined that volume I of the Oswald file now contains 174 serials, thus placing serial 57 in the first half of this volume.

As to the significance of this particular WFO airtel, the following is believed pertinent:

[redacted]

As appears in Marina Folder

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OBSERVATIONS:

[redacted]

As Appears in admin Folder

[redacted]

It is also noted that when Hosty testified before the Warren Commission he mentioned that he advised Secret Service on the day of the assassination that there were two items of information on Oswald which he did not feel he could furnish to them since they were secret in nature, but felt that FBIHQ could furnish this to Secret Service headquarters in Washington, D. C. Later Mr. Stern asked him what these two pieces of information were and Hosty replied, "The two pieces of information I had in mind were the contacts that Lee Oswald had with the Soviet Embassy in Mexico City and the contact that he had had with the Soviet Embassy in Washington, D. C." Mr. Stern did not follow up on any questions relative to Hosty's response.

It is possible that we may have to interview Mr. Belmont as well as former Warren Commission Staff Attorney Samuel Stern but in view of the results of the inquiry conducted to date, we feel that Hosty should be reinterviewed and confronted with the results of our inquiry. In this way we are showing that we have absolutely nothing to hide and is a concerted effort on the Bureau's part to obtain all facts relative to this recent allegation on the part of Hosty which do not coincide with the information we have developed.

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RECOMMENDATION

In view of the above it is recommended that Hosty be reinterviewed along the lines mentioned above.

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